United Nations A/HRC/25/NGO/85

General Assembly

Distr.: General
3 March 2014

English only

Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11609
1411609

Please recycle

Torture and other cruel, inhuman or degrading treatment in Uzbekistan

Despite some formal steps toward strengthening safeguards against torture and other cruel, inhuman or degrading treatment or punishment, serious concerns remain about Uzbekistan's failure to implement existing laws and safeguards, to adopt new effective measures toward the prevention of torture, and to hold accountable those responsible for torture. Amnesty International is concerned that impunity prevails in Uzbekistan as the prosecution of individuals suspected of being responsible for torture or other ill-treatment continues to remain the exception rather than the rule.

Amnesty International has continued to receive persistent and credible allegations of routine and pervasive torture and other ill-treatment by security forces during arrest, transfer, in police custody and in pre-trial detention and by security forces and prison personnel in post-conviction detention facilities. These include scores of reports that individuals charged with or convicted of "anti-state" and terrorism-related offences, in particular members or suspected members of political opposition parties and banned Islamic movements or Islamist groups and parties continue to be particularly vulnerable to being tortured or otherwise ill-treated by security forces.

Methods of torture or other ill-treatment in detention described by former prisoners, including released human rights defenders, include beating detainees with batons, iron rods, bottles filled with water while they are handcuffed to radiators or suspended from ceiling hooks, asphyxiation with plastic bags or gasmasks with the air supply turned off, inserting needles under finger or toenails, electroshock, dousing with freezing water and rape of both men and women. Amnesty International's research shows that in the vast majority of cases the authorities have failed to conduct effective investigations into allegations of torture or other ill-treatment by detainees.

At the recent public examinations of Uzbekistan's human rights record at the UN's Universal Periodic Review (UPR) in April 2013[1] and at the UN Committee against Torture review in October 2013[2] the Uzbekistani delegation rejected all allegations of the continuing routine and pervasive use of torture and other ill-treatment by security forces and prison personnel.

High incidence of torture and other ill-treatment in Uzbekistan has been recognised by the European Court of Human Rights. The Court has been faced with determining the risk of torture and other serious human rights violations in Uzbekistan in cases relating to challenges to orders to forcibly transfer individuals from Council of Europe Member States back to Uzbekistan. The European Court of Human Rights has issued at least 20 judgments in the past four years prohibiting the return of criminal suspects to Uzbekistan on the basis of a risk of torture, especially those charged with membership of Islamist parties or groups that are banned in the country.

Forcible return to Uzbekistan

Amnesty International is concerned that individuals returned to Uzbekistan from other countries pursuant to extradition requests in the name of security and the "fight against terrorism" have been held in incommunicado detention upon return, thereby increasing their risk of torture or other ill-treatment.

Amnesty International's research has shown that Uzbekistan has relentlessly pursued the extradition or otherwise forcible return of hundreds of individuals it suspects of having organized or participated in a number of alleged violent acts in Uzbekistan including bomb explosions in Tashkent in 1999 and 2004; the Andizhan protests in 2005 – when security forces fired on thousands of mostly unarmed demonstrators, including women and children -- and other violent acts, including bombings and shootings by armed groups, in Tashkent and the Ferghana Valley in 2009. The government also has requested the extradition of political opponents, government critics and wealthy individuals out of favour with the regime. Many of these extradition requests are based on fabricated or unreliable evidence. The

[1] http://www.ohchr.org/EN/HRBodies/UPR/Pages/UZSession16.aspx
[2] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=809&Lang=en

government has offered "diplomatic assurances" to sending states to secure the returns, pledging free access to detention centres for independent monitors and diplomats. In practice, they have not honoured these guarantees.

Use of coerced "confessions" in criminal proceedings

Torture and other ill-treatment continue to be used specifically to extract confessions and other incriminating information and more generally to intimidate and punish detainees, including human rights defenders, individuals perceived to be political opponents or who have fallen out of favour with the authorities. The courts continue to heavily rely on these so-called "confessions" extracted under torture, duress or deception[3]. Too often judges are willing to ignore or dismiss as unfounded allegations of torture or other ill-treatment, even when presented with credible evidence in court, despite directives by the Plenum of the Supreme Court of Uzbekistan explicitly prohibiting the use of torture to extract confessions and the admissibility of such tainted evidence in court proceedings.[4] Such directives have been issued twice in the last decade, but have had virtually no effect. The authorities should take immediate steps to incorporate these directives into the Criminal Procedural Code to make the prohibitions part of domestic criminal law and legally binding. They should also take further steps to ensure that these provisions are consistently implemented.

In addition, the Criminal Procedure Code only explicitly mentions torture once, namely in Article 17: "Nobody may be subject to violence, torture, or other cruel or degrading treatment." In all other Articles more general descriptive terms such as "illegal acts", "violence" and "threats" are used, allowing scope for interpretation. Amnesty International believes that it is essential that torture is mentioned explicitly in the Criminal Procedural Code as exclusionary grounds for evidence in all the relevant Articles. This would reinforce the prohibition of torture as a means of extracting evidence and be in line with Uzbekistan's international obligations under the Convention against Torture.

Prison conditions and monitoring

Amnesty International's research indicates that certain categories of prisoners, such as human rights defenders, government critics and individuals convicted of membership of Islamist parties and groups or Islamic movements banned in Uzbekistan, are often subjected to severe punishment regimes in prisons where they serve their sentences, and have their sentences extended for long periods even for alleged minor infractions of the prison rules. For example, they are often put in punishment cells, which have been described by former prisoners as small rooms, often windowless and made of concrete, with no heating, no natural light or ventilation and too small for a bed. They are often denied adequate medical care, are often forced to work long hours doing physically demanding manual labour such as building work or making bricks, with basic tools, inadequate clothing and little food and water. Former prisoners report that they were frequently beaten by prison guards and other prisoners.

Uzbekistan has no independent monitoring mechanisms in place to inspect all places of detention and no independent non-governmental organizations, domestic or international, carry out any form of regular, unannounced and unsupervised prison monitoring. In April 2013 the International Committee of the Red Cross (ICRC) made a public statement that it had taken the very difficult decision to terminate all visits to detainees in Uzbekistan because the ICRC was unable to conduct such visits according to their standard working procedures and as a result, those visits were "pointless"[5]. Diplomats, while granted access to some detention facilities, are as a rule accompanied by prison or law enforcement officials during their visits.

Finally, the Government of Uzbekistan has not yet responded to numerous requests by the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit the country. Amnesty International is concerned that Uzbekistan appears determined to remain closed to meaningful international scrutiny and is deeply disappointed that Uzbekistan has rejected recommendations to strengthen and deepen its interaction with international

[3] Uzbekistan: Submission to the United Nations Committee against Torture, AI EUR 62/011/2013, 28 October 2013 http://amnesty.org/en/library/info/EUR62/011/2013/en

[4] Two Resolutions by the Plenum of the Supreme Court were adopted in December 2003 (Resolution № 17, 19 December 2003) and September 2004 (Resolution № 12, 24 September 2004).

[5] http://www.icrc.org/eng/resources/documents/news-release/2013/04-12-uzbekistan-detainees.htm

mechanisms, including the Special Procedures of the Human Rights Council, as "not part of its obligations under internationally agreed human rights standards"[6].

Amnesty International also continues to have serious concerns in relation to the lack of an independent, impartial, thorough and effective investigation of events in Andizhan in May 2005. During the UPR interactive dialogue, the Uzbekistani delegation categorically stated that "the issue [of an international investigation into the events] of Andizhan is closed for us!"[7].

The policies and practices highlighted above reflect a deep-seated culture of impunity for torture and other human rights violations in Uzbekistan and the continued failure by the Uzbekistani authorities to genuinely commit to, and fully and effectively implement, its obligations as a state party to the Convention against Torture and the International Convention on Civil and Political Rights. Time and again the Uzbekistani government has failed to effectively implement the recommendations of the Committee against Torture and other UN treaty bodies and special procedures, especially with regard to initiating prompt, thorough, independent and impartial investigations into allegations of torture or other ill-treatment. Amnesty International is particularly concerned that the authorities continue to dismiss as unfounded the allegations of torture at the hands of law enforcement officials raised by a number of individuals whose cases Amnesty International and other human rights organizations, as well as the UN Special Rapporteur on torture, have relayed to the Uzbekistani government.

[6] A/HRC/24/7, p. 27, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/154/79/PDF/G1315479.pdf?OpenElement
[7] A/HRC/24/7, p. 7